UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,878	06/29/2001	Robert Charles Ladner	LADNER=7M	1764

7590 09/28/2004

BROWDY AND NEIMARK, P.L.L.C.
624 Ninth Street, N.W.
Washington, DC 20001

EXAMINER	
CELSA, BENNETT M	
ART UNIT	PAPER NUMBER
1639	

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES
DEPARTMENT OF COMMERCE
Patent and Trademark
Office
COMMISSIONER OF PATENTS
AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTO
09/893,878			

EXAMINER	
ART UNIT	PAPER NUMBER
1639	9/24/04

Please find below a communication from the EXAMINER in charge of this application

NOTICE TO COMPLY WITH SEQUENCE RULES & SUBSTITUTE SPECIFICATION

The computer readable form (CRF)dated 2/8/02 and the Amendment (dated 5/7/02:35 pages) is acknowledged.

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2) but which fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the following reason(s):

The 541 page specification contains peptide/nucleotide sequences requiring identifiers **for example** in the drawings and upon Examiner review of @200 specification pages:

-figures 3 and 15; p.78(l.15-30);p.110(lines 1-10&25);p.151 (l.25-35);p.163;p.203;p.204;etc.

The extensive nature of specification revision (e.g.the Preliminary Amendment:35+pages) and the need by the Examiner to properly evaluate sequence rule conformance mandates that **applicant provide a "SUBSTITUTE SPECIFICATION"** pursuant to 37 CFR 1.125 (including a marked up copy) as well as a new CRF.

Accordingly, a new CRF (and new matter statement), paper copy AND a Substitute specification incorporating SEQ Id's are all necessary for full sequence rule compliance.

Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Applicant is given ONE MONTH from the mailing date of this communication within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

ATTACHMENT : NOTICE TO COMPLY ... SEQUENCE DISCLOSURES

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Celsa whose telephone number is (571) 272-0807. If the examiner cannot be reached, inquiries can be directed to Supervisory Patent Examiner Andrew Wang whose telephone number is (571) 272-0811. Inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-0700.

Primary Examiner Bennett Celsa
ART UNIT 1639 September 24, 2004

BENNETT CELSA
PRIMARY EXAMINER

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

[X] 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).

[ ] . This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).

[ ] 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).

[ ] . A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."

[ ] 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).

[ ] 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).

[X] . Other: **missing seq. Id and the numbe*r and nature of spec.* Amend. Requires substitute specification**

Applicant Must Provide:

[X] A **substitute** computer readable form (CRF) copy of the "Sequence Listing".

[X] A **substitute** paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.

[X] A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

[X] A substitute Specification

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216
For CRF Submission Help, call (703) 308-4212
PatentIn Software Program Support
Technical Assistance.....703-287-0200
To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY